

**NOTICE OF PUBLIC MEETING**

**January 31, 2013  
10:00 a.m.  
State Capitol  
First Floor, Senate Committee Room 113  
Sacramento, CA 95814**

**AGENDA**

1. **OPEN SESSION – Call to Order & Establishment of a Quorum**  
Hugh Lubkin, D.C. Chair  
Heather Dehn, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Julie Elginer, Dr.PH  
Sergio Azzolino, D.C.  
Frank Ruffino
2. **Chair's Report**
3. **Election of Officers for 2013**  
A. Chair  
B. Vice-Chair  
C. Secretary
4. **Approval of Minutes**  
December 6, 2012 Board Meeting
5. **Executive Officer's Report**  
A. Administration  
B. Budget  
C. Licensing  
D. Enforcement
6. **Ratification of Approved License Applications**
7. **Ratification of Approved Continuing Education Providers**
8. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
9. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**

10. **Governor's Reorganizational Plan (Board of Chiropractic Examiners' Transition to DCA)**
11. **Government Affairs Committee Meetings Update** – Board may take action on any item on the attached Government Affairs Committee meeting agendas.
12. **Enforcement Committee Meeting Update** – Board may take action on any item on the attached Enforcement Committee meeting agenda.
13. **Implementation of New Laws**
  - A. AB 1588 (Atkins) – Waiver of Renewal Requirements for Licensees on Active Duty
  - B. AB 1904 (Block) – Expediting the Licensure Process for Spouses' of Active Duty Members
14. **Proposed Regulations**
  - A. Omnibus Consumer Protection
  - B. Extracorporeal Shock Wave (ECSW) Therapy
  - C. Name of Chiropractic Corporation
15. **Hearings Re: Petition for Reinstatement of Revoked License**
  - A. Dong Chang
16. **Hearings Re: Petition for Early Termination of Probation**
  - A. Robert Strohback, D.C.
  - B. Michael Salomon, D.C.
17. **Public Comment**
18. **Future Agenda Items**
19. **Closed Session**
  - A. Deliberation on Disciplinary Decisions  
Pursuant to California Government Code Section 11126(c)(3)
  - B. Pursuant to California Government Code Section 11126(e)
    - 1) Board of Chiropractic Examiners v. Carole M. Arbuckle  
Sacramento County Superior Court, Case No. 03AS00948
20. **OPEN SESSION: Announcements Regarding Closed Session**
21. **Adjournment**

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Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

**January 10, 2013**  
**1:00 p.m.**  
**2525 Natomas Park Drive, Suite 260**  
**Sacramento, CA 95833**  
**(916) 263-5355**

**Teleconference Locations with Public Access**

Julie Elginer, Dr.PH  
Calabasas Public Library  
200 Civic Center Way  
Calabasas, CA 91302  
(818) 225- 7616

**AGENDA**

- 1. PUBLIC SESSION – Call to Order & Establishment of a Quorum**  
Julie Elginer, Dr.PH, Chair  
Heather Dehn, D.C.  
Hugh Lubkin, D.C.
- 2. PUBLIC COMMENT**
- 3. Approval of Minutes**  
August 30, 2012
- 4. Review Proposed Legislative Process / Tracking Procedures**
- 5. Review / Revise Board Member Administrative Manual**
- 6. Developing a Board of Chiropractic Examiners' Strategic Plan**
- 7. Adjournment**

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T (916) 263-5355  
F (916) 263-5369  
TT/TDD (800) 735-2929  
Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)

**CORRECTED COPY**  
**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

**January 24, 2013**  
**3:00 p.m.**  
**2525 Natomas Park Drive, Suite 260**  
**Sacramento, CA 95833**  
**(916) 263-5355**

**Teleconference Locations with Public Access**

**Julie Elginer, Dr.PH**  
**Calabasas Public Library**  
**200 Civic Center Way**  
**Calabasas, CA 91302**  
**(818) 225- 7616**

**AGENDA**

- 1. PUBLIC SESSION – Call to Order & Establishment of a Quorum**  
Julie Elginer, Dr.PH, Chair  
Heather Dehn, D.C.  
Hugh Lubkin, D.C.
- 2. PUBLIC COMMENT**
- 3. Approval of Minutes**  
January 10, 2013
- 4. Review / Revise Board Member Administrative Manual**
- 5. Adjournment**

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**NOTICE OF TELECONFERENCE  
ENFORCEMENT COMMITTEE MEETING**

**JANUARY 30, 2013**

**1:00 p.m.**

**2525 Natomas Park Drive, Suite 260  
Sacramento, CA 95833  
(916) 263-5355**

**Teleconference Locations with Public Access**

Dr. Francesco Columbu, D.C.  
2265 Westwood Blvd, Ste A  
Los Angeles, CA 90064  
(310) 234-1160

Dr. Sergio Azzolino, D.C.  
1545 Broadway St, Ste 1A  
San Francisco, CA 94109  
(415) 563-3800

Dr. Hugh Lubkin, D.C.  
9381 E. Stockton Blvd, Ste 220  
Elk Grove, CA 95624  
(916) 685-1718

**AGENDA**

- 1. PUBLIC SESSION** – Call to Order & Establishment of a Quorum  
Sergio Azzolino, D.C., Chair  
Francesco Columbu, D.C.  
Hugh Lubkin, D.C.
- 2. PUBLIC COMMENT**
- 3. Approval of Minutes**  
August 30, 2012
- 4. Disciplinary Guidelines**
- 5. Adjournment**

**ENFORCEMENT COMMITTEE**

Sergio Azzolino, D.C., Chair  
Francesco Columbu, D.C.  
Hugh Lubkin, D.C.

***The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.***

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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T (916) 263-5355  
F (916) 263-5369  
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Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

December 6, 2012

State Capitol

First Floor, Senate Committee Room 113  
Sacramento, CA 95814

**Board Members Present**

Hugh Lubkin, D.C., Chair  
Heather Dehn, D.C., Vice Chair  
Francesco Columbu, D.C., Secretary  
Julie Elginer, Dr. PH  
Sergio Azzolino, D.C.

**Staff Present**

Robert Puleo, Executive Officer  
Spencer Walker, Staff Counsel  
Linda Shaw, Staff Services Manager  
Sandra Walker, Staff Services Manager  
Dixie Van Allen, Associate Governmental Program Analyst  
Ray Delaney, Management Services Technician  
Valerie James, Office Technician

**Call to Order**

Dr. Lubkin called the meeting to order at 10:03 a.m.

**Roll Call**

Dr. Dehn called the roll. All members but Dr. Columbu were present.

**Chair's Report**

Dr. Lubkin reported on recent activities relating to Board matters.

**Approval of Minutes**

September 20, 2012 Board Meeting

**MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES**

**SECOND: DR. ELGINER SECONDED THE MOTION**

**VOTE: 4-0**

**MOTION CARRIED**

Dr. Columbu arrived at 10:20 a.m.

**Executive Officer's Report**

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

**Ratification of Approved License Applications**

**MOTION: DR. AZZOLINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

**Ratification of Approved Continuing Education Providers**

**MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

**Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

**MOTION: DR. LUBKIN MOVED TO RATIFY DENIED LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**MOTION: DR. LUBKIN MOVED TO RETRACT HIS MOTION TO RATIFY DENIED LICENSE APPLICATIONS IN WHICH THE APPLICANTS DID NOT REQUEST A HEARING DUE TO HAVING NONE AT THIS TIME**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**Ratification to Waive Two Year Requirement to Restore a Canceled License**

**MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment C).

**Board Member Administrative Procedure Manual**

Dr. Lubkin opened the topic for discussion. Dr. Elginer suggested taking this agenda item to the Committee level for review.

**MOTION: DR. ELGINER MOVED TO TAKE THE BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL TO THE GOVERNMENT AFFAIRS COMMITTEE FOR REVISIONS AND PRESENT RECOMMENDATIONS AT THE NEXT BOARD MEETING**

**SECOND: DR. COLUMBU SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

**Discussion on the Process for Scheduling and Conducting Committee Meetings**

Dr. Lubkin opened the topic for discussion and requested the other Board Members' input.

Dr. Azzolino stated he would prefer to schedule the Committee meetings either before or after the Board meetings or teleconference the Committee meetings. Dr. Columbu agreed.

Dr. Elginer also agreed with holding Committee meetings before or after Board meetings, only when necessary, at the Committee Chair's discretion.

Dr. Lubkin would like this topic to be incorporated into the Board Member Administrative Manual.

**Proposed Board Meeting Schedule for 2013**

The Board shared a brief discussion about the necessity of Board meetings and determined it would be best to hold quarterly meetings.

Dr. Charles Davis representing the International Chiropractic Association of California came forward and agreed. He recommended the Board take into consideration the prospective amount of petitioners per each quarterly meeting.

Mr. Puleo stated the amount of petitioners has decreased.

Dr. Lubkin proposed the Board to meet quarterly for a year to determine if feasible.

**MOTION: DR. LUBKIN MOVED TO SCHEDULE THE 2013 BOARD MEETINGS QUARTERLY**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**

Mr. Puleo suggested that the Board vote on the 2013 Board meeting dates. The Board had a brief discussion on the meeting dates.

**MOTION: DR. LUBKIN AMENDED THE MOTION AND MOVED TO SCHEDULE THE 2013 BOARD MEETINGS ON: JANUARY 31<sup>ST</sup> IN SACRAMENTO, APRIL 23<sup>RD</sup> IN SOUTHERN CALIFORNIA, JULY 25<sup>TH</sup> IN NORTHERN CALIFORNIA, AND OCTOBER 29<sup>TH</sup> IN SOUTHERN CALIFORNIA**

**SECOND: DR. DEHN SECONDED THE MOTION**

**VOTE: 5-0**

**MOTION CARRIED**



### **Proposed Regulations**

A. Omnibus Consumer Protection

Mr. Puleo reported that the regulation package is being finalized and will be sent to the Office of Administrative Law.

B. Extracorporeal Shock Wave (ECSW) Therapy

Mr. Puleo stated that staff is still working on this regulation.

C. Name of Chiropractic Corporation

Mr. Puleo stated that staff is still working on this regulation.

The Board moved to Item # 14 – Public Comment, Item #15 – Future Agenda Items and Item #16 – Closed Session.

### **Public Comment**

Dr. Davis came forward and stated the Board's need to address the Governors' Reorganizational Plan. Dr. Lubkin indicated that he will place that on the January Board meetings agenda.

### **Future Agenda Items**

Dr. Lubkin requested the Governor's Reorganizational Plan to be placed on the agenda at the next Board meeting.

Dr. Elginer expressed her concern that Groupon ads have not been discussed as brought forward at a Board meeting by Dr. Dehn.

### **Closed Session**

The Board went into closed session for deliberation.

### **Hearings Re: Petition for Reinstatement of Revoked License**

Administrative Law Jonathan Lew presided over and Deputy Attorney General Brian Turner appeared on behalf of the people of the State of California on the following hearing:

- A. Jason Wolf
- B. Faramarz Khalili
- C. Robert DeMarco

### **Closed Session**

Following oral testimonies, the Board went into closed session for deliberation and determinations of petitioners.

### **Adjournment**

Dr. Lubkin adjourned the meeting at 4:37 p.m.

**(ATTACHMENT A)**  
**Approval By Ratification of Formerly Approved License Applications**  
**September 1, 2012 – October 31, 2012**

Name (First, Middle, Last)			Date Issued	DC#
Luke	Hunter	Mattison	9/7/2012	32416
Yasaman		Seirafi	9/12/2012	32417
Jason	Leslie	Arnold	9/12/2012	32418
Alyson	Mayer	Mather	9/12/2012	32419
Nima		Mehranfard	9/17/2012	32420
Damon	Keith	Walton	9/17/2012	32421
Justin	Michael	Kamerman	9/20/2012	32422
Erin	Elizabeth	MacCarry	9/20/2012	32423
Parviz		Nessari	9/26/2012	32424
Jameson	Thomas	Russell	9/26/2012	32425
Jared	Michael	Taylor	9/26/2012	32426
Christopher	William	Carver	9/26/2012	32427
Heather	Dipre	Hamilton	9/26/2012	32428
Rustin	Craig	Wilson	9/27/2012	32429
Ryan	Phillip	Curda	9/28/2012	32430
Jesse	Brett	Jacobs	9/28/2012	32431
Erin	Lynn	Johnson	9/28/2012	32432
Nicholas	Ronnie	Johnson	9/28/2012	32433
Stacey	Coe	Kavanaugh	9/28/2012	32434
Juan		Reinosa-Salmeron	10/4/2012	32435
Angela	Lee	Cantrell	10/5/2012	32436
Ryan	Alexander	Garcia	10/5/2012	32437
Carolina		Orrego	10/17/2012	32438
Guy	Claude	Pelletier	10/17/2012	32439
Trang	Khanh	Pham	10/17/2012	32440
Aria		Sanei	10/17/2012	32441
Jessi	Lee	Wright	10/17/2012	32442
Patrick	Shaun	Barry	10/19/2012	32443
Steven	John	Chalk	10/19/2012	32444
Cody	Anthony	Dimak	10/19/2012	32445
James	Abbott	Ferrell Jr.	10/19/2012	32446
Julia	Thomas	Pinkerton	10/22/2012	32447
Deanna	Lee	Walker	10/22/2012	32448
Lynda	Suzanne	Bunn	10/23/2012	32449
Melissa	Anne	Crane	10/23/2012	32450

Fatema		Kolia	10/23/2012	32451
Eunmee		Lee	10/23/2012	32452
Irene	Reyes	Namsa	10/24/2012	32453
Niesha	Denise	Thomas-Koen	10/24/2012	32454
Helmut	Eric	Steibl	10/29/2012	32455
Fawaz	Abdullah	Al-Badani	10/31/2012	32456
Nadine	Renee	Brinton	10/31/2012	32457
Duong-Thuy	Phuong	Chau	10/31/2012	32458

DRAFT

**(ATTACHMENT B)**

**Approval by Ratification of New Continuing Education Providers**

<b><u>CONTINUING EDUCATION PROVIDERS</u></b>	<b><u>DATE APPROVED</u></b>
1. Elliott Lopez Publications, Inc. _____	<u>12/1/2012</u>
2. International College of Complementary & Alternative Medicine _____	<u>12/1/2012</u>
3. Canham College, Inc. _____	<u>12/1/2012</u>
4. Donald A Clarke _____	<u>12/1/2012</u>
5. Quantum Research Council _____	<u>12/1/2012</u>
6. Michelle McLafferty, D.C. _____	<u>12/1/2012</u>
7. Brian Bronk, D.C. _____	<u>12/1/2012</u>

DRY

**(ATTACHMENT C)**  
**Recommendation to Waive Two Year Requirement**  
**on Restoration of a Cancelled License**

<b>Name (Last, First MI)</b>	<b>License No.</b>	<b>Cancellation Date</b>
Kharb, Bassem	29538	May 1, 2011

# State Board of Chiropractic Examiners

FY 2012-13  
January

BOARD MEMBERS (7)

Authorized Positions: 19.4  
Proposed

Robert Puleo  
Executive Officer  
620-110-8862-001

Alfonso Ramirez (RA)  
Assoc. Gov. Program Analyst  
620-110-5393-907

**SSM I**  
Sandra Walker  
Compliance Manager  
620-110-4800-006

**Supervising Special Investigator I**  
Vacant  
Field Investigations Manager  
620-110-8549-001

**SSM I**  
Linda Shaw  
Admin/Licensing/CE Manager  
620-110-4800-008

Compliance Unit  
Lavella Matthews  
Assoc. Gov. Program Analyst  
620-110-5393-002  
Christina Bell  
Assoc. Gov. Program Analyst  
620-110-5393-005  
Beckie Rust  
Assoc. Gov. Program Analyst  
620-110-5393-004  
Christina Villanueva  
Assoc. Gov. Program Analyst  
620-110-5393-800  
Julianne Vernon  
Staff Services Analyst  
620-110-5157-004

Field Operations North  
Maria Martinez  
Special Investigator  
620-110-8612-001  
Denise Robertson  
Special Investigator  
620-110-8612-002  
Field Operations South  
Yanti Soliman  
Special Investigator  
620-110-8612-003

Policy/Admin  
Dixie Van Allen  
Assoc. Gov. Program Analyst  
620-110-5393-003  
Admin/Licensing  
Marlene Valencia  
Staff Services Analyst  
620-110-5157-008  
Tammi Pitto  
Staff Services Analyst  
620-110-5157-007  
Ray Delaney  
Management Services Technician  
620-110-5278-001  
Vacant  
Office Technician (T)  
620-110-1139-001  
Valerie James  
Office Technician (T)  
620-110-1139-008  
Licensing/Continuing Education  
Genie Mitsuahara  
Staff Services Analyst  
620-110-5157-005

*[Signature]*  
Executive Officer Signature

01/24/13  
Date

*[Signature]*  
Personnel Analyst Signature

Date

# 0152 - Board of Chiropractic Examiners

## Analysis of Fund Condition

1/7/2012

(Dollars in Thousands)

### 13-14 Governor's Budget (Galley II)

	Actual PY 2011-12	CY 2012-13	BY 2013-14
<b>BEGINNING BALANCE</b>	\$ 2,568	\$ 2,133	\$ 1,975
Prior Year Adjustment	\$ 23	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,591	\$ 2,133	\$ 1,975
 <b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 146	\$ 132	\$ 141
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -
125800 Renewal fees	\$ 3,338	\$ 3,284	\$ 3,281
125900 Delinquent fees	\$ 68	\$ 55	\$ 55
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 5
161400 Miscellaneous revenues	\$ 8	\$ 8	\$ 8
161900 Other Revenue - Cost Recoveries	\$ 9	\$ 9	\$ 9
164600 Fines and Forfeitures	\$ 25	\$ 25	\$ 25
Totals, Revenues	\$ 3,602	\$ 3,519	\$ 3,524
 Transfers to Other Funds	\$ -	\$ -	\$ -
 Totals, Revenues and Transfers	\$ 3,602	\$ 3,519	\$ 3,524
 Totals, Resources	\$ 6,193	\$ 5,652	\$ 5,499
 <b>EXPENDITURES</b>			
Disbursements:			
0840 State Controller (State Operations)	\$ 3	\$ 4 ✓	\$ -
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 20 ✓	\$ -
8500 Program Expenditures (State Operations)	\$ 3,449	\$ 3,653	\$ 3,816
Chapter 125, Statutes of 2011	\$ 600	\$ -	\$ -
13-14 Fi\$cal Assessment	\$ -	\$ -	\$ 17
Total Disbursements	\$ 4,060	\$ 3,677	\$ 3,833
 <b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 2,133	\$ 1,975	\$ 1,666

### Months in Reserve

7.0

6.2

5.1

*Note: The Board overcollected reimbursements by \$140,000 in FY 11/12. Expenditure savings will increase that balance.*

### NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. ASSUMES INTEREST RATE AT .3%.
- C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSE STATISTICAL DATA**

**FY 2011/12 – FY 2012/13 COMPARISON**

LICENSE TYPE	TOTAL LICENSES 1/1/2012	TOTAL LICENSES 1/1/2013	NET VARIANCE
CHIROPRACTOR	13,597	13,441	-156
SATELLITES	3,879	3,966	+87
CORPORATIONS	1,310	1,325	-15
REFERRALS	31	30	-1
TOTALS	18,817	18,762	-55

**APPLICATIONS RECEIVED AND PROCESSED  
NOVEMBER 1, 2012 – DECEMBER 31, 2012**

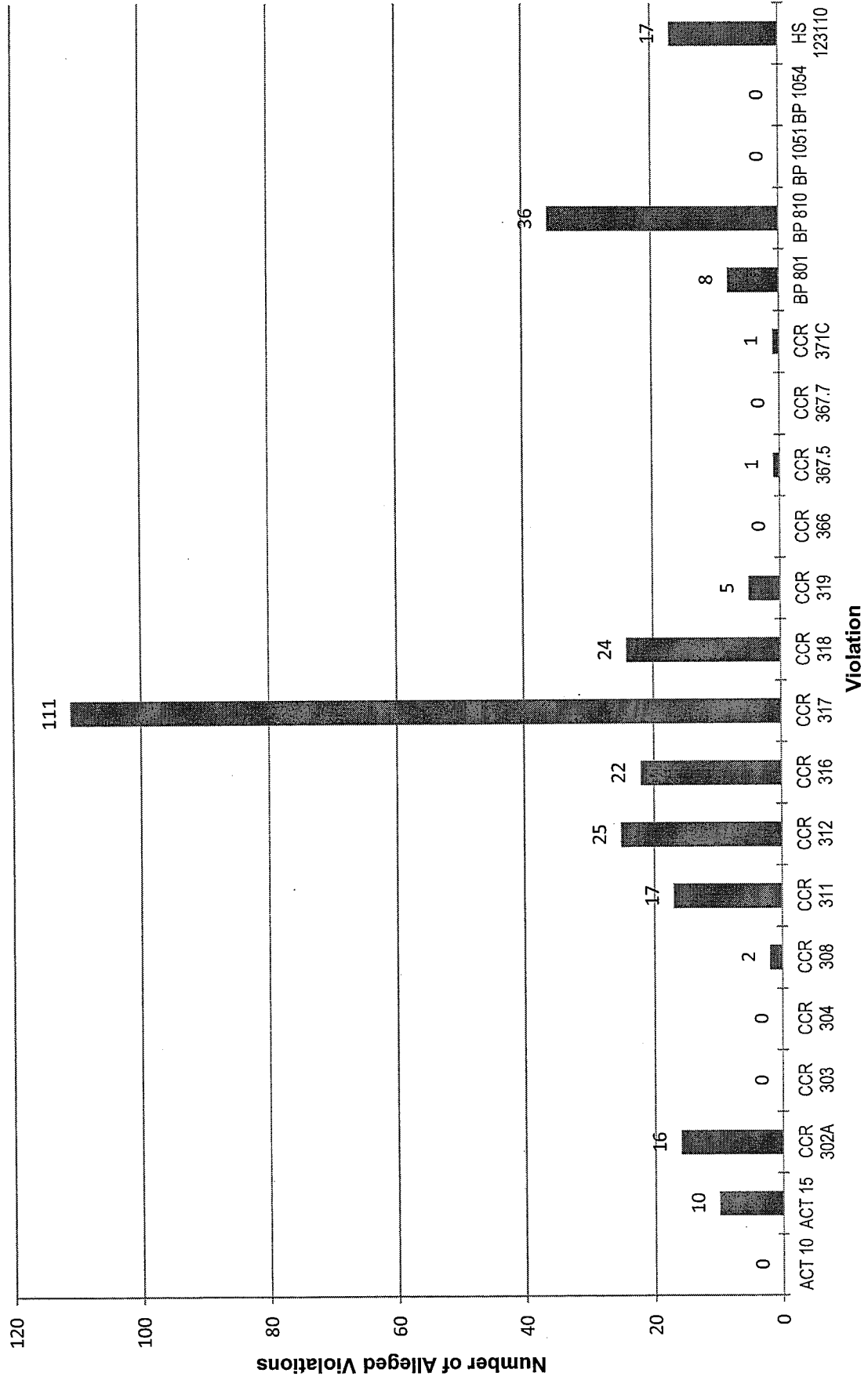
APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	71	35	1	0	126
RECIPROCAL	1	2	0	0	5
RESTORATION	40	36	0	0	8
CORPORATION	14	10	0	0	25



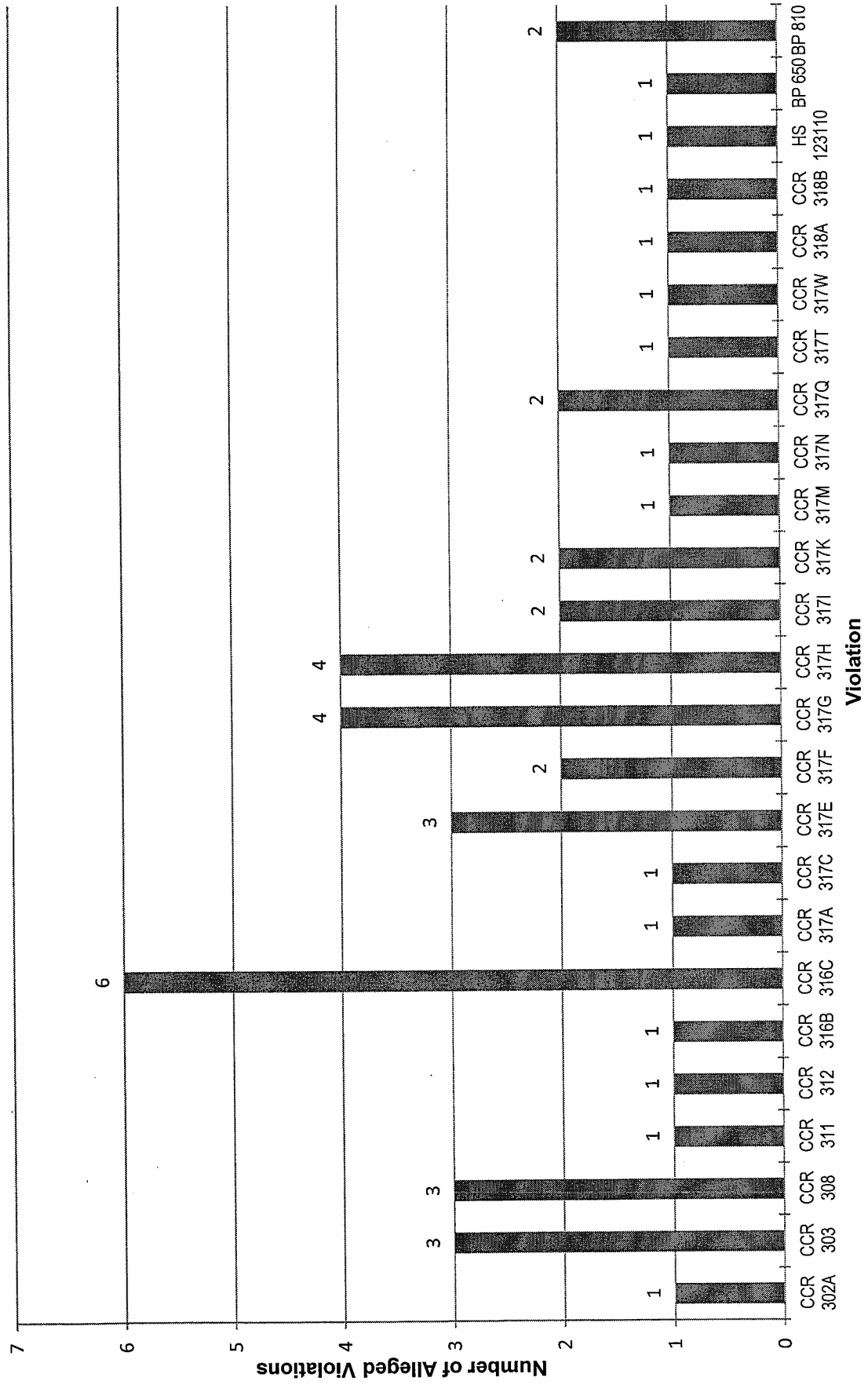
## Compliance Unit Statistics

<b>Fiscal Year</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13*</b>
<b><u>Complaints</u></b>					
Received	655	519	497	391	226
Pending	410	203	137	125	160
Closed with Insufficient Evidence	206	136	96	89	30
Closed with No Violation	223	129	135	93	51
Closed with Merit	275	158	140	120	55
Letter of Admonishment	n/a	5	4	1	0
Citations and Fines Issued (Total Fine Amount)	41(\$19,200)	78(\$25,700)	47(\$12,700)	26(\$37,400)	18 (\$9,400)
<b><u>Accusations</u></b>					
Filed	64	73	68	41	19
Pending	105	117	130	99	72
Revoked	10	18	17	14	7
Revocation Stayed: Probation	4	20	26	20	18
Revocation Stayed: Suspension and Probation	7	8	9	12	3
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	1	0	0	0
Suspension and Probation	2	0	0	0	0
Voluntary Surrender of License	2	7	9	7	5
Dismissed/Withdrawn	5	18	10	21	7
<b><u>Statement of Issues</u></b>					
Filed	3	3	4	5	1
Denied	1	0	0	0	0
Probationary License	4	7	3	4	2
Withdrawn	0	0	0	0	1
Granted	0	0	1	0	0
<b><u>Petition for Reconsideration</u></b>					
Filed	1	3	0	2	4
Granted	0	0	0	0	0
Denied	1	2	0	0	2
<b><u>Petition for Reinstatement of License</u></b>					
Filed	13	9	7	7	1
Granted	4	4	2	2	0
Denied	11	11	10	6	2
<b><u>Petition for Early Termination of Probation</u></b>					
Filed	6	6	4	1	2
Granted	6	1	2	1	0
Denied	2	2	4	1	0
<b><u>Petition for Modification of Probation</u></b>					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
<b><u>Petition by Board to Revoke Probation</u></b>					
Filed	11	32	13	6	1
Revoked	3	7	2	8	3
<b><u>Probation Cases</u></b>					
Active	140	134	138	142	144

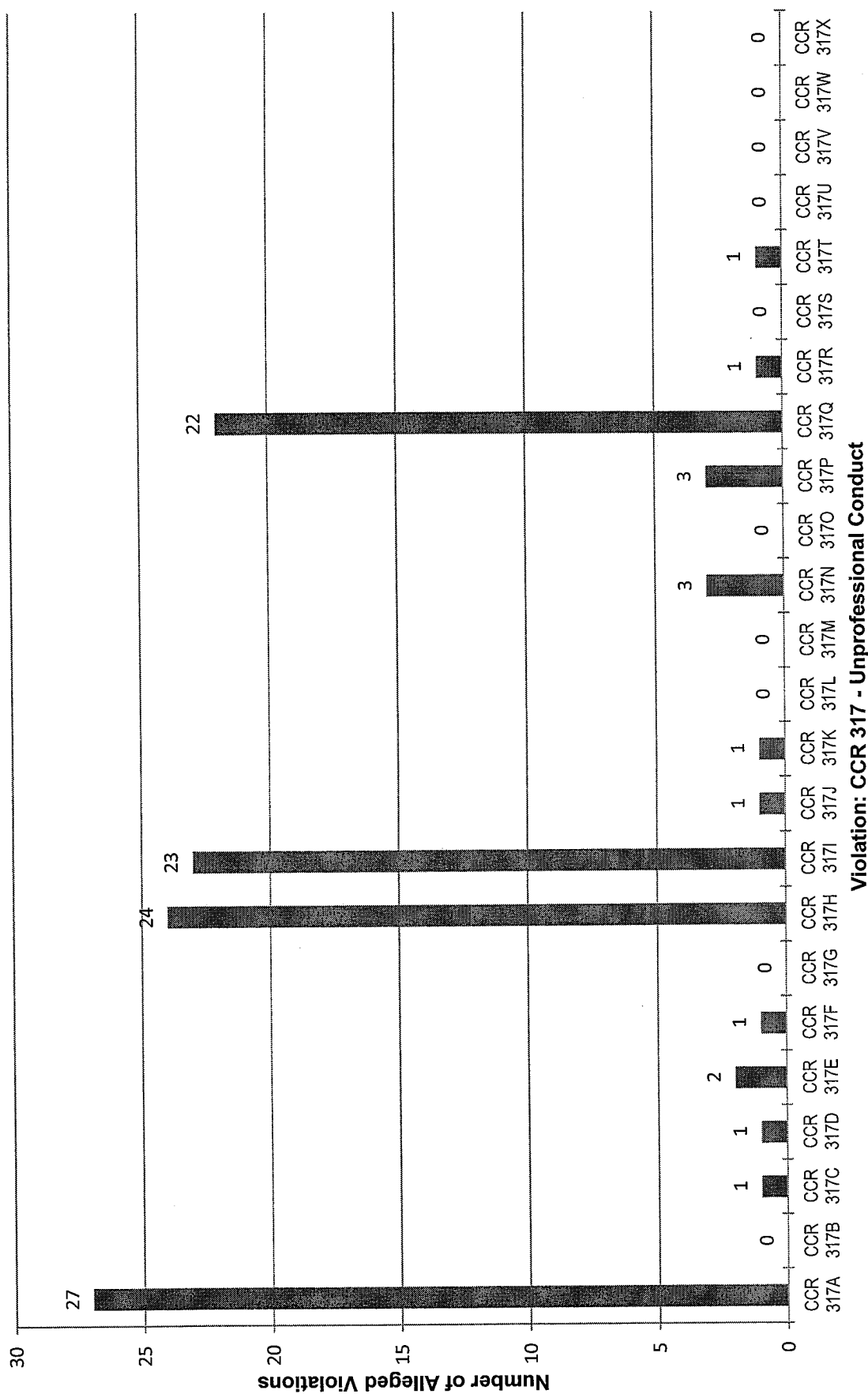
**Fiscal Year 2012/2013**  
**July 1, 2012- December 31, 2012**  
**Total Number of Complaints Opened - 225**  
**Total Number of Alleged Violations - 295 (A complaint may contain multiple violations)**



**Fiscal Year 2012/2013**  
**July 1, 2012- December 31, 2012**  
**Total Number of Accusations Filed- 19**  
**Total Number of Alleged Violations - 47 (An accusation may contain multiple violations)**



**Fiscal Year 2012/2013**  
**July 1, 2012- December 31, 2012**  
**Total Number of Complaints Opened Alleging Violation of CCR 317 - 111**  
**(A complaint may contain multiple violations)**



**Violation: CCR 317 - Unprofessional Conduct**

## **Violation Codes/Descriptions**

### **California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:**

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination

## **Violation Codes/Descriptions**

### **The Chiropractic Initiative Act of California (ACT):**

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

### **California Code of Regulations (CCR):**

- 302(a) – Scope of Practice
- 302.5 – Use of Laser
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 319.1 – Informed Consent
- 366 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation
- 371(c) – Renewal and Restoration

### **Business and Professions Code (BP):**

- 801 – Professional Reporting Requirements (malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation

### **Health and Safety Code (HS):**

- 123110 – Patient Access to Health Records

# MEMORANDUM



**Date:** January 22, 2013

**To:** Board Members

**From:** Robert Puleo  
Executive Officer

A handwritten signature in black ink, appearing to read "R. Puleo", written over the printed name and title.

**Subject:** Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the January 31, 2013, public meeting.

Between November 1, 2012 and December 31, 2012, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

**Approval By Ratification of Formerly Approved License Applications**  
**November 1, 2012 – December 31, 2012**

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Catherine	Anne	De Lipski	11/9/2012	32459
Saundra	Cobos	Namimatsu	11/9/2012	32460
Krystal	Rose	Perkins	11/9/2012	32461
Craig	Robert	Abrams	11/14/2012	32462
Amanpreet	Singh	Bhathal	11/14/2012	32463
Christian	Benjamin	Brown	11/14/2012	32464
Miguel	Angel	Brambila Castillo	11/14/2012	32465
Alizabeth	Patricia	Ruiz	11/14/2012	32466
Brian	Christopher	Dewey	11/16/2012	32467
Kelila	Ama	Kasim	11/16/2012	32468
James	Alexander	White	11/16/2012	32469
Jameson	Won	Wong	11/20/2012	32470
Nika	Sonia	Bodner	11/30/2012	32471
Nicholas	Lee	Brown	11/30/2012	32472
Brady	Fillmore	Hurst	11/30/2012	32473
Simon		Kohanoff	11/30/2012	32474
Yzeel	Alexander	Orme	12/11/2012	32475
Scott	Mark	Saberniak	12/11/2012	32476
Andrea	Lynn	Schilling	12/11/2012	32477
Eun	Young	Song	12/11/2012	32478
Brad	Robert	Andrews	12/14/2012	32479
Ryan	Michael	Cevola	12/14/2012	32480
Cortney	Lynne	Cline	12/14/2012	32481
Steven	John	Dellisanti, Jr.	12/14/2012	32482
Tracy	Ann	Kleber	12/14/2012	32483
Jonathan	David	Means	12/14/2012	32484
Princeton	Jefferson	Nguyen	12/17/2012	32485
Macy	Chi-Ying	Ng	12/19/2012	32486
Jonathan	David	Simon	12/19/2012	32487
Elizabeth	McEachern	Farrell	12/19/2012	32488
Elmira	Mahin	Aghdam	12/20/2012	32489
Marc	Jason	Anaya	12/20/2012	32490
Jacquelin		Charles	12/20/2012	32491
Austin	Daniel	Davis	12/20/2012	32492
Tommy	Lee	Wolf	12/28/2012	32493
Thomas	Anthony	Velickoff	12/28/2012	32494



# MEMORANDUM



Date: January 9, 2013

To: BOARD MEMBERS

From: Robert Puleo  
Executive Officer

A handwritten signature in black ink, appearing to read 'R. Puleo', written over the printed name and title.

Subject: Ratification for New Continuing Education Providers

This is to request that the Board ratify the continuing education providers at the public meeting on January 31, 2013.

## CONTINUING EDUCATION PROVIDERS

## DATE APPROVED

1. BALANCED LIFE INSTITUTE 01/10/2013
2. The Institute for Integrative Medicine 01/10/2013
3. LYNNE SULLIVAN 01/10/2013
4. American College of Addictionology & Compulsive Disorders 01/10/2013
5. National Credentialing Council for Healthcare Professionals 01/10/2013

# MEMORANDUM



**Date:** January 24, 2013

**To:** Board Members

**From:** Robert Puleo  
Executive Officer

A handwritten signature in black ink, appearing to read "R. Puleo", written over the printed name and title.

**Subject:** Ratification of Formerly Denied License Applications

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

During November 1, 2012, and December 31, 2012, staff reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

If you have any questions or concerns, please contact me at your earliest opportunity.

# MEMORANDUM



**Date:** January 24, 2013

**To:** Board Members

**From:** Robert Puleo  
Executive Officer

A handwritten signature in black ink, appearing to read 'R. Puleo', written over the printed name 'Robert Puleo'.

**Subject:** Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the January 31, 2013, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

If you have any questions or concerns, please contact me at your earliest opportunity.

Recommendation to Waive Two Year Requirement  
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Moore, Scott	22780	May 31, 2012

**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

**January 10, 2013**  
**1:00 p.m.**  
**2525 Natomas Park Drive, Suite 260**  
**Sacramento, CA 95833**  
**(916) 263-5355**

**Teleconference Locations with Public Access**

**Julie Elginer, Dr.PH**  
**Calabasas Public Library**  
**200 Civic Center Way**  
**Calabasas, CA 91302**  
**(818) 225- 7616**

**AGENDA**

- 1. PUBLIC SESSION – Call to Order & Establishment of a Quorum**  
Julie Elginer, Dr.PH, Chair  
Heather Dehn, D.C.  
Hugh Lubkin, D.C.
- 2. PUBLIC COMMENT**
- 3. Approval of Minutes**  
August 30, 2012
- 4. Review Proposed Legislative Process / Tracking Procedures**
- 5. Review / Revise Board Member Administrative Manual**
- 6. Developing a Board of Chiropractic Examiners' Strategic Plan**
- 7. Adjournment**

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Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail [marlene.valencia@chiro.ca.gov](mailto:marlene.valencia@chiro.ca.gov) or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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**CORRECTED COPY**  
**NOTICE OF TELECONFERENCE**  
**GOVERNMENT AFFAIRS COMMITTEE MEETING**

**January 24, 2013**  
**3:00 p.m.**  
**2525 Natomas Park Drive, Suite 260**  
**Sacramento, CA 95833**  
**(916) 263-5355**

**Teleconference Locations with Public Access**

**Julie Elginer, Dr.PH**  
**Calabasas Public Library**  
**200 Civic Center Way**  
**Calabasas, CA 91302**  
**(818) 225- 7616**

**AGENDA**

- 1. PUBLIC SESSION – Call to Order & Establishment of a Quorum**  
Julie Elginer, Dr.PH, Chair  
Heather Dehn, D.C.  
Hugh Lubkin, D.C.
- 2. PUBLIC COMMENT**
- 3. Approval of Minutes**  
January 10, 2013
- 4. Review / Revise Board Member Administrative Manual**
- 5. Adjournment**

---

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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#### WHY USE OUR FACILITATORS

Any structured group activity that requires the input, involvement, understanding and commitment of every participant hinges on an experienced facilitator with advanced presentation skills. The time and participation from staff and board members is too important to spend on meetings that don't accomplish objectives and fail to deliver results.

SOLID's experienced facilitators can greatly benefit your Board or Bureau in the following situations:

- When results of a meeting are critical to the success of your Board or Bureau and there will be a variety of different views in the room.
- When there are many strong opinions and a consensus is required.
- When there are no apparent good answers and your Board or Bureau may need a creative approach to a solution.
- When neutral party guidance is necessary to build trust or get full participation.
- When your Board or Bureau staff lack the internal experience or expertise to manage and guide the group through the work process

#### CONTACT US

SOLID Planning Solutions will travel to your board or bureau meeting or office to deliver sessions.

## FOR MORE INFORMATION CONTACT:

### SOLID PLANNING SOLUTIONS

1747 North Market, Suite 270  
Sacramento, CA 95834

p: 916-574-8316

f: 916-574-8386

[SOLID@dca.ca.gov](mailto:SOLID@dca.ca.gov)

## OR VISIT:

<http://inside.dca.ca.gov/offices/spd/index.html>



# solid

planning solutions



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planning solutions

## Organizational DEVELOPMENT

# WHAT WE DO

Strategic Planning is a process by which we can envision the future and develop the necessary procedures and operations to influence and achieve that future.

We provide services designed to help your board/bureau plan for the future ahead!

## STRATEGIC PLANNING SESSIONS

SOLID Planning Solutions will guide you in creating a plan which accurately reflects your Boards or Bureau's future goals and objectives. We will help you map out a mission statement, vision statement, and values that exemplify your program. Using a broad range of collaborative techniques, SOLID will then help you determine the strategic and fiscal direction of your organization. The selected strategy of your Board or Bureau should be implemented by means of programs, budgets, and procedures and should involve your Boards or Bureau's resources and motivation of the staff to achieve objectives. After the development of your strategic plan, SOLID will continue to work with your Board or Bureau to ensure your plan is put into action and will continue to monitor and adjust your plan as needed.

## PROCESS IMPROVEMENT FACILITATIONS

Working collaboratively with the subject matter experts within your Board or Bureau, SOLID can help you tackle any internal processes or procedures that may need improvement within your organization. SOLID can assist with improving the workflow to reduce cycle times, errors, and cost within everyday work processes. The following process improvement strategies are utilized to assist with achieving your Boards or Bureau's objectives

- **Process Analysis** - SOLID will model and analyze your existing processes.
- **Improvement Identification** - By identifying bottlenecks within your current process, SOLID will determine what needs to be improved.
- **Process Change Introduction** - We help you modify your existing process to remove identified bottlenecks and improve workflow.
- **Measure Improvement** - SOLID will use different measurement techniques to indicate how the modified process has eliminated bottlenecks and improved cycle times.
- **Process Change Training** - SOLID will train staff on the new process to ensure successful implementation.
- **Change Tuning** - SOLID will continue to work with your Board or Bureau to evolve and improve process improvements as needed.

## ACTION PLANNING SESSIONS

To ensure your Board or Bureau takes the necessary steps toward success within your organization, SOLID believes that action planning will create accountability in the workplace to get your Boards or Bureau's goals accomplished. SOLID has confidence that action planning provides a clearer sense of direction for your Board or Bureau. Our facilitators will use the goals and objectives from your strategic plan and will assist with assigning tasks and dates for completion that work toward these goals. Action plans identify the necessary steps to pursue your vision-let SOLID assist with turning your Boards or Bureau's goals into a reality.

## MEETING FACILITATION

Are your meetings or events as successful as they could be? From the planning process through evaluation, SOLID can help you create successful, results-oriented meeting or event. Our trained facilitators will help you organize meeting logistics, facilitate meeting discussions and record action items. SOLID understands that results are achievable and predictable from well-planned and implemented meetings. SOLID will follow the necessary steps to ensure that



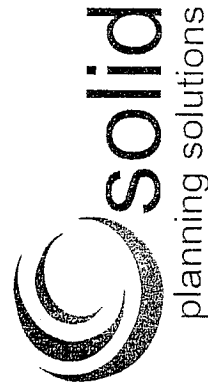
meeting attendees achieve expected, positive, and constructive outcomes form their time invested in meetings. Let us help plan your next Boards or Bureau's meeting effectively.

## OUR FACILITATORS

Our facilitators have experience in the field of leading, consulting, and facilitating. We understand there is no single way to facilitate a meeting or event and that all boards and bureaus have unique needs. SOLID Planning Solutions can assist you with articulating your Boards or Bureau's needs by providing the proper tools and techniques to help achieve your goals.

## OUR SERVICES

SOLID Planning Solutions is dedicated to the continual improvement and organizational development of our Department. We offer a wide array of services and programs to DCA's Boards and Bureaus, including strategic planning, process improvement, and much more.





**NOTICE OF TELECONFERENCE  
ENFORCEMENT COMMITTEE MEETING**

**JANUARY 30, 2013**

**1:00 p.m.**

**2525 Natomas Park Drive, Suite 260  
Sacramento, CA 95833  
(916) 263-5355**

**Teleconference Locations with Public Access**

Dr. Francesco Columbu, D.C.  
2265 Westwood Blvd, Ste A  
Los Angeles, CA 90064  
(310) 234-1160

Dr. Sergio Azzolino, D.C.  
1545 Broadway St, Ste 1A  
San Francisco, CA 94109  
(415) 563-3800

Dr. Hugh Lubkin, D.C.  
9381 E. Stockton Blvd, Ste 220  
Elk Grove, CA 95624  
(916) 685-1718

**AGENDA**

1. **PUBLIC SESSION** – Call to Order & Establishment of a Quorum  
Sergio Azzolino, D.C., Chair  
Francesco Columbu, D.C.  
Hugh Lubkin, D.C.
2. **PUBLIC COMMENT**
3. **Approval of Minutes**  
August 30, 2012
4. **Disciplinary Guidelines**
5. **Adjournment**

**ENFORCEMENT COMMITTEE**

Sergio Azzolino, D.C., Chair  
Francesco Columbu, D.C.  
Hugh Lubkin, D.C.

***The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.***

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

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T (916) 263-5355  
F (916) 263-5369  
TT/TDD (800) 735-2929  
Consumer Complaint Hotline  
(866) 543-1311

Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, California 95833-2931  
[www.chiro.ca.gov](http://www.chiro.ca.gov)



## MEMORANDUM

<b>DATE:</b>	December 13, 2012
<b>TO:</b>	Executive Officers/Bureau Chiefs/Division Chiefs Department of Consumer Affairs
<b>FROM:</b>	Denise Brown, Director <i>Denise Brown</i> Department of Consumer Affairs
<b>SUBJECT:</b>	<b>2012 Legislation Impacting All Department of Consumer Affairs Licensing Programs</b>

In order to assist with compliance, the Department of Consumer Affairs (Department) is notifying each of its programs about legislation passed last session that will have broad impact across all programs. This memo outlines those new laws and what is expected of each program. We understand you may have some questions or concerns regarding these new laws or their implementation. As such, please contact Tracy Rhine by phone at (916) 574-7800 or by email at [tracy.rhine@dca.ca.gov](mailto:tracy.rhine@dca.ca.gov).

### **SB 1099 (Wright, Chapter 295) – Changes to Regulatory Timelines**

This legislation modified the effective date of regulations. Currently, regulations become effective, as a general rule, 30 days after the Office of Administrative Law (OAL) files the Order of Adoption with the Secretary of State (SOS). Beginning January 1, 2013, SB 1099 provides that a regulation, or an order of repeal, becomes effective on one of four dates: January 1, April 1, July 1, or October 1 of each year. As to which of the four effective dates a regulation will become effective depends on when OAL files the regulation with SOS. The following timeframes outline when a regulation would become effective:

- To take effect January 1, a regulatory change must be filed with SOS between September 1 and November 30.
- To take effect April 1, a regulatory change must be filed with SOS between December 1 and February 29.
- To take effect July 1, a regulatory change must be filed with SOS between March 1 and May 31.
- To take effect October 1, a regulatory change must be filed with SOS between June 1 and August 31.

For example, a program completes its regular rulemaking by the one-year deadline and submits the rulemaking to OAL for review. OAL still is required to approve or disapprove the rulemaking within 30 **working** days after the rulemaking has been submitted to OAL for review. OAL approves the rulemaking, and files the Order of Adoption with SOS on July 10, 2013. Notwithstanding any exceptions, as noted below, the rulemaking will become effective on October 1, 2013.

**It is important to note that the date a regulation is submitted to OAL for OAL's review does not determine a regulation's effective date. The date the regulation is filed with SOS determines the regulation's effective date.**

Exceptions to this new general rule are as follows:

- The effective date is specifically provided by statute; therefore the regulation becomes effective by the date provided in statute.
- A later date is requested by the program.
- An earlier effective date is requested in writing by the program, demonstrating good cause for the earlier effective date.

Each program is also required to do the following:

- Post a regulation on its website within 15 days of the date a regulation is filed with the Secretary of State. The regulation must stay on the website for a minimum of six months from the filing date.
- Send the website link to the OAL within five days of posting the regulation on the program website. OAL is requesting all state agencies send a copy of the link to the following email address: [postedregslink@oal.ca.gov](mailto:postedregslink@oal.ca.gov).

The use of the term regulation as used above means the Order of Adoption, which technically, is the regulation.

Section 100 regulatory files are not subject to the new quarterly effective dates. However, entities are required; effective January 1, 2013, to post the Section 100 regulations on their websites and send the link to OAL, as is the case with all other OAL approved regulations.

OAL currently is in the process of drafting regulations to implement SB 1099 to clarify the bill's requirements.

OAL sent a memo to Chief Counsels and Regulation Coordinators providing information about the new changes and how these changes will affect agency procedures. OAL also revised its Standard Form 400 in compliance with the new statute. These two documents can found at this website: [http://www.oal.ca.gov/Amendments to the APA 2012.htm](http://www.oal.ca.gov/Amendments%20to%20the%20APA%202012.htm)

### **AB 1588 (Atkins, Chapter 742) – Waiver of Renewal Requirements for Licensees on Active Duty**

Beginning January 1, 2013, every program must waive the renewal requirements for a licensee if the licensee is serving on active duty in the Armed Forces or California National Guard. This new law gives each program broad regulatory authority to implement its provisions.

Renewal requirements waived under this bill include:

- Renewal fees;
- Continuing education; AND,
- Any other requirements as determined by the program.

Certain requirements for a waiver must be met:

- The licensee must possess a current and valid license with the program when called to active duty.
- The licensee must provide written documentation that substantiates the licensee's call to active duty.
- The licensee's renewal requirements are only waived for the period of time the licensee is serving on active duty.

As part of the waiver process, the licensee must also stipulate whether services will continue to be provided as part of their military service. All private practice is prohibited under the waiver. If a licensee will be providing services in the military, the license status must be converted to "military active."

For programs that choose to utilize a "military inactive" status, which should be applied to all licensees who are not specifically called to active duty to provide services under a license, it will be necessary to adopt regulatory changes specifying the new military inactive status.

Upon returning from active duty, a licensee must notify the program of the licensee's discharge within 60 days of the discharge date. The licensee is given six months to comply with all renewal requirements prior to providing any services under the license.

All programs will need to create a waiver process for qualified licensees to complete as well as a process for licensees who are discharged and returning from active duty. Each program can require additional information as necessary, but that information must be set out in regulations.

The Medical Board of California currently waives renewal fees for its licensees called to active duty. Its form can be found here: <http://www.mbc.ca.gov/forms/07a-106.pdf>

### **AB 1904 (Block, Chapter 399) – Expediting the Licensure Process for Spouses' of Active Duty Members**

Beginning January 1, 2013, each program is required to expedite the licensure process for spouses and domestic partners of those on active duty. This does not mean that a license must be issued, but simply requires the process to be accelerated for these individuals. The applicant must provide evidence that he or she is also currently licensed in another state in the same profession.

Regulations should not be necessary for most programs; however, regulations will be necessary for those programs with initial application forms set specifically in regulation. Those programs not pursuing regulations must also keep in mind that it can only require applicants provide the necessary information in the initial application package that is required by statute. Programs cannot require an applicant complete a separate form without regulatory changes requiring it. If you have any questions, please contact your legal counsel for assistance.

**AB 2570 (Hill, Chapter 561) – Prohibition on the Use of Gag Clauses**

Beginning January 1, 2013, programs will now be required to enforce the prohibition on confidentiality agreements (also called "gag clauses") in settlements involving licensees.

Programs are also prevented from requiring a licensee to pay additional sums of money to a consumer if the consumer and licensee have agreed to a settlement that provides for the full satisfaction of the consumer.

There is an important exception in the new prohibition that would authorize a program, upon a petition filed by a licensee or agent of a licensee, to adopt a regulation that would allow for certain "gag" clauses. Adopting a regulation or not is left to the discretion of the program. However, there is a process that must be followed upon receipt of a petition. The Department's Legal Affairs Division has advised that any program that receives such a petition contact its legal counsel immediately for assistance with a response to the petition.

**Assembly Bill No. 1588**

**CHAPTER 742**

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 29, 2012. Filed with  
Secretary of State September 29, 2012.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1588, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill would, except as specified, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill would require a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

*The people of the State of California do enact as follows:*

SECTION 1. Section 114.3 is added to the Business and Professions Code, to read:

114.3. (a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

## Assembly Bill No. 1904

### CHAPTER 399

An act to add Section 115.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 20, 2012. Filed with  
Secretary of State September 20, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1904, Block. Professions and vocations: military spouses: expedited licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.

This bill would require a board within the department to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

*The people of the State of California do enact as follows:*

SECTION 1. Section 115.5 is added to the Business and Professions Code, to read:

115.5. (a) A board within the department shall expedite the licensure process for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.



(b) A board may adopt regulations necessary to administer this section.

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